

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Wolfgang E. BERDEL *et al.*

Appln. No.: 10/569,076

Filed: August 23, 2006

For: Fusion Polypeptides, and Use Thereof in Antivascular Tumor Therapy

Confirmation No.: 7498

Examiner: Marianne P. ALLEN

Art Unit: 1647

Atty. Docket: P30712US00 / 20490.003

Statement of the Substance of the Interview of June 24, 2009

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants respectfully submit the following written statement pursuant to 37 C.F.R.

§ 1.133.

On June 24, 2009, Applicants' US representative, Kristan Lansbery, and colleague Curtis Altmann participated in a personal interview with Examiner Marianne P. Allen regarding the captioned application. Applicant Wolfgang Berdel and Applicants' foreign counsel Albrecht Menges participated by phone.

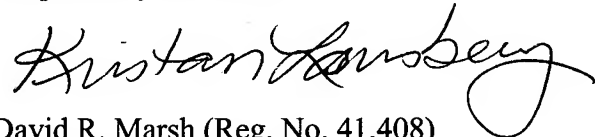
Applicant, Applicants' representative and the Examiner discussed the rejection of pending claims 19-20, 24, 26-37, 39 and 41 under 35 U.S.C. § 112, first paragraph, enablement, pending claims 19-21, 24, 26-27, 29, 31-37, 39 and 41 under 35 U.S.C. § 112, first paragraph, written description; and claims 20-21, 39 and 41 under 35 U.S.C. § 112, second paragraph, indefiniteness. No art rejections were discussed, no exhibits were shown and demonstrations were not conducted. Applicants asserted that their proposed draft claims met the statutory

requirements for patentability and discussed post-filing references of record which further support the enablement and written description arguments. The participants also discussed proposed amendments to the claims provided by Applicants in the Interview Request form of June 11, 2009, and further discussed draft claims provided by the Examiner at the time of the Interview. Applicant and Applicants' representative indicated that they would consider the claims proposed by the Examiner and contact the Examiner with a response.

In a phone conversation, Applicants' representative Kristan Lansbery authorized an extension of time and authorized the Examiner to enter the claims proposed by the Examiner in an examiner's amendment. A Notice of Allowance was mailed by the Office on July 10, 2009.

Applicants thank the Examiner for the June 24 Interview and for her helpful comments provided during the Interview. Applicants further thank the Examiner for her helpful drafting of claims encompassing allowable subject matter prior to the interview.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kristan Lansbery", with a large, stylized loop at the end.

David R. Marsh (Reg. No. 41,408)

Kristan L. Lansbery (Reg. No. 53,183)

Date: July 23, 2009

ARNOLD & PORTER LLP
Attn: IP Docketing Dept.
555 Twelfth Street, N.W.
Washington, D.C. 20004-1206
(202) 942-5000 telephone
(202) 942-5999 facsimile